

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No. 1D  
Mtg. Date June 5, 2018  
Dept. City Manager

**Item Title: General Municipal Election – November 6, 2018**

**Staff Contact: Kay Vinson, Interim City Clerk**

**Recommendation:**

**Adopt Resolutions: Notice of Election and Determining Tie Votes by Lot (Attachment B); Requesting Consolidation of Election with Statewide General Election and Services of County Registrar of Voters (ROV) (Attachment C); and Adopting Regulations for Candidate Statements (Attachment D)**

**Item Summary:**

A General Municipal Election will be held in the City of Lemon Grove on Tuesday, November 6, 2018. The purpose of the election is to elect two Members of the City Council, each for a full four-year term. The attached resolutions provide for the City Council to take required action calling the election, directing the City Clerk to publish notice of the election, and determining how tie votes are resolved, as well as requesting consolidation of the election with the Statewide General Election and requesting services of the County Registrar of Voters, and lastly to establish regulations for candidate statements.

**Fiscal Impact:**

The Registrar of Voters has estimated election costs for two Members of the City Council at \$10,000-\$15,000. The City will also incur costs of approximately \$3,200 for translation of election notices and publication. Monies will be included in the FY 2018-2019 General Fund budget.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section   | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- |  |  |
|--|--|
| A. Staff Report  | C. Resolution Requesting Consolidation and Requesting Services |
| B. Resolution Notice of Election and Determining Tie Votes | D. Resolution Adopting Regulations for Candidate Statements    |

## **Attachment C**

E. Election Calendar

F. ROV Election Cost Estimate with  
Assumptions

# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1D

Mtg. Date June 5, 2018

Item Title: **General Municipal Election – November 6, 2018**

Staff Contact: **Kay Vinson, Interim City Clerk**

### **Discussion:**

#### General Municipal Election

The City will be holding a General Municipal Election on November 6, 2018 for the purpose of electing two Members of the City Council for the full term of four years for the expiring terms of incumbents Jennifer Mendoza and Jerry Jones.

California Elections Code § 12101 (a) states the City Elections Official must publish a notice of election not earlier than the 127<sup>th</sup> day (July 16) nor later than the 113<sup>th</sup> day (July 2) before a municipal election including the time of the election, the offices to be filled, and the length of term of each office. The attached resolution (Attachment B) calls/notices the election and directs the City Clerk to give notice of the election in accordance with Federal and State law. The notice will be translated and published in the East County California (English), Filipino Press (Tagalog), La Presnsa San Diego (Spanish), Nguoi Viet Today (Vietnamese) and Epoch Times (Chinese). Prior to October 30, a Notice of Nominees for Public Office will also be translated and published.

The nomination period is July 16 through August 10, or through August 15 if any incumbent does not file for office. See an Election Calendar at Attachment E. The polls will be open on Election Day from 7:00 a.m. to 8:00 p.m.

#### Tie Vote

The attached resolution (Attachment B) also includes the default for determining tie votes are resolved by lot. However, the City Council does have the option to determine tie votes for a special runoff election, but only if a resolution is adopted prior to the election.

Elections Code § 15651 (a) provides that in the event two or more persons receive an equal and the highest number of votes determined by canvass of the returns or upon a recount by a court, the election board (City Council) shall determine a tie vote by lot. The City Council would summon the candidates who have received the tie votes to appear before them at a time and place designated by them.

By lot methods are tossing a coin, drawing straws, drawing from a hat or envelope, etc.

If the City Council would prefer to hold a special runoff election in the case of tie votes, a Resolution must be adopted with such provisions prior to the election. With direction from the City Council, a Resolution will be prepared for consideration at a subsequent meeting prior to the election. A special runoff election would be costly.

#### Registrar of Voter Services

Elections Code § 10403 provides whenever an election called by a city for the submission of offices to be filled is to be consolidated with a statewide election and is to appear upon the same ballot as that provided for the statewide election, the city shall file a resolution (Attachment C) of the City Council making the request with the Board of Supervisors and Registrar of Voters. The resolution also requests authorization for San Diego County Registrar of Voters to render election

# Attachment A

services to the City in accordance with Elections Code § 10002 with related expenses to be paid by the City.

The election services include preparing and furnishing voter information pamphlets, ballots, notices, printed matter to the registered voters in the City of Lemon Grove, supplies, election equipment and assisting the City, as well as canvassing the election returns...

The Registrar of Voters Office has estimated the cost of the November 6, 2018 City Council election to be \$10,000 - \$15,000 for two seats if four individuals are on the ballot. See ROV cost estimate and assumptions (Attachment F).

## Candidate Statements

Elections Code § 13307 provides that the City Council adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs. The attached resolution (Attachment D) sets the candidate statement at no more than 200 words of the candidate's education and qualifications. The statement shall not include party affiliation nor membership or activity in partisan political organizations. The statement shall be typed in uniform size and darkness and with uniform spacing.

The statement is filed at the same time as the nomination paper. A deposit of \$850 will be required for the candidate statements, but no filing fee will be charged.

## **Conclusion:**

Staff recommends that the City Council adopt: 1) Resolution Calling and Giving Notice of the General Municipal Election on November 6, 2018 for two Members of the City Council and Determining Tie Votes by Lot (Attachment B); 2) Requesting Consolidation of the General Municipal Election with the Statewide General Election and Requesting Services of the San Diego Registrar of Voters (Attachment C); and 3) Resolution Adopting Regulations for Candidate Statements.

If a special runoff election is desired to resolve tie votes, direct staff to return with a resolution prior to the election.

# Attachment B

## RESOLUTION NO. 2018-

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND ELECTING TO DETERMINE TIE VOTES BY LOT**

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 6, 2018 for the election of two (2) members of the City Council for the full term of four years; seats now being held by incumbents Jennifer Mendoza and Jerry Jones; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Lemon Grove, California, on Tuesday, November 6, 2018, a General Municipal Election for the purpose of electing two (2) Members of the City Council for the full term of four years.

**SECTION 2.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 3.** That the City Clerk is authorized, instructed and directed to coordinate with the San Diego County Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 4.** That the polls for the election shall be open at seven o'clock a.m. (7:00 a.m.) of the day of the election and shall remain open continuously from that time until eight o'clock p.m. (8:00 p.m.) of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

**SECTION 5.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 6.** That notice of the time and place of holding the election is given; and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 7.** That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the Elections Official, the City Council, in accordance with Election Code § 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

**SECTION 8.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

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# Attachment C

## RESOLUTION NO. 2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, REQUESTING THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZE THE SAN DIEGO COUNTY REGISTRAR OF VOTERS TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE, AND TO RENDER SPECIFIED SERVICES RELATED TO A GENERAL MUNICIPAL ELECTION IN THE CITY OF LEMON GROVE**

**WHEREAS**, the City Council of the City of Lemon Grove called a General Municipal Election to be held on November 6, 2018 for the purpose of the election of two (2) Members of the City Council; and

**WHEREAS**, it is desirable that the General Municipal Election be consolidated with the Statewide General election to be held on the same date and that within the city precincts, polling places and election officers of the two elections be the same, and that the San Diego County Registrar of Voters canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

**WHEREAS**, in the course of conduct of the election it is necessary for the City to request services of the County; and

**WHEREAS**, all necessary expenses in performing these services shall be paid by the City of Lemon Grove, California;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMON GROVE DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of § 10403 of the Elections Code, the San Diego County Board of Supervisors and the San Diego County Registrar of Voters are hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General election on Tuesday, November 6, 2018 for the purpose of the election of two (2) Members of the City Council.

**SECTION 2.** That the San Diego County Board of Supervisors authorize San Diego County Registrar of Voters to take any and all steps necessary for holding the consolidated election and to prepare and furnish voter information pamphlets, notices, printed matter to the registered voters in the City of Lemon Grove and make additional supplies, election equipment and assistance available to the City to properly and lawfully conduct said election, according to State law.

**SECTION 3.** That the San Diego County Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the Statewide General election.

**SECTION 4.** That the City of Lemon Grove recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

## **Attachment B**

**SECTION 5.** That the City Clerk is hereby directed to file a certified copy of this resolution with the San Diego County Board of Supervisors and the San Diego County Registrar of Voters.

**SECTION 6.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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# Attachment D

## RESOLUTION NO. 2018

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018**

**WHEREAS**, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1. GENERAL PROVISIONS.** That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Lemon Grove, California on November 6, 2018 may prepare a candidate's statement on an appropriate form provided by the City Clerk.

The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

#### **SECTION 2. FOREIGN LANGUAGE POLICY.**

A. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of San Diego. The County is required to translate candidate's statements into the following languages: Spanish, Chinese, Tagalog (Filipino), and Vietnamese.

B. The County will mail separate voter information guides and candidates statements in Spanish, Chinese, Tagalog (Filipino), and Vietnamese to only those voters who are on the county voter file as having requested a voter information guide in a particular language. The County will make the voter information guides and candidates statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

#### **SECTION 3. PAYMENT.**

A. Translations:

1. The candidate shall be required to pay for the cost of translating the candidates statement into any required foreign language as specified in (A) of Section 2 above pursuant to Federal and/or State law.

B. Printing:

## Attachment B

1. The candidate shall be required to pay for the cost of printing the candidate statement in English in the main voter pamphlet.

2. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required in (A) of Section 2 above, in the main voter pamphlet.

3. The candidate shall be required to pay for the cost of printing the candidate statement in a foreign language requested by the candidate per (B) of Section 2 above, in the main voter pamphlet.

San Diego County Registrar of Voters has estimated the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. This amount is estimated to be \$850 and is payable upon filing of nomination papers. The estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

### **SECTION 4. MISCELLANEOUS.**

A) All translations shall be provided by professionally-certified translators.

B) The City Clerk shall comply with all recommendations and standards set forth by San Diego County Registrar of Voters based on strict interpretation of §13307 of the Elections Code, which requires Candidate Statements printed in type of uniform size and darkness, and with uniform spacing. Candidate Statements are to be typed, single spaced, and in block paragraphs. The following WILL NOT be permitted: Stars, bullets, graphics, Italics, Bold, all capital letters, underline or tables, extra exclamation points, multiple punctuation or lists.

**SECTION 5. ADDITIONAL MATERIALS.** No candidate will be permitted to include additional materials in the voter information guide.

**SECTION 6.** That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

**SECTION 7.** That all previous resolutions establishing council policy on payment for candidate statements are repealed.

**SECTION 8.** That this resolution shall apply only to the election to be held on November 6, 2018 and shall then be repealed.

**SECTION 9.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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